

Iron County Register.

BY ELI D. AKE.

OUR GOD, OUR COUNTRY, AND TRUTH.

TERMS—\$1.50 a Year, in Advance

VOLUME XV.

IRONTON, MO., THURSDAY, JULY 21, 1881.

NUMBER 1.

Official Directory.

LOWNDES H. DAVIS, M. C., Fourth District, Cape Girardeau.
BERNARD ZWART, U. S. Commissioner, Eastern District of Missouri, Ironton.
THOS. MARLEY, State Senator of 24th District, Doniphan.
JNO. L. THOMAS, Judge 26th Circuit, Hillsboro.
WILL R. EDGAR, Prosecuting Attorney, Ironton.
J. W. BERRYMAN, Representative, Arcadia.
FRANZ DINGER, Presiding Justice, Ironton.
DAVID H. PALMER, Bellevue, and J. G. CLARKSON, Annapolis, Associate Judges.
JOHN F. T. EDWARDS, Judge of Probate Court, Ironton.
W. A. FLETCHER, Sheriff, Ironton.
JAMES BUFORD, Collector, Ironton.
JOSEPH HUFF, Clerk Circuit Court, Ironton.
G. B. NALL, Clerk County Court, Ironton.
I. G. WHITWORTH, Treasurer, Ironton.
WM. E. BELL, Assessor, Bellevue.
JACOB T. AKE, Public Administrator, Ironton.
J. GRANTHOMER, Coroner, Ironton.
N. C. GRIFFITH, County School Commissioner for Iron county, Missouri, Ironton.

Circuit Court is held on the Fourth Monday in October and April.

County Court convenes on the First Monday of March, June, September and December.

Probate Court is held on the First Monday in February, May, August and November.

Societies.

KNIGHTS OF HONOR—Valley Lodge, No. 1890, K. of H., Ironton; regular meetings Wednesday evenings, Jan. 12th and 26th, Feb. 9th and 23rd, March 9th and 23rd, April 6th and 20th, May 4th and 18th, and June 1st, 15th and 29th.

J. W. WILKINSON, Reporter.

MIDIAN CHAPTER, No. 71, R. A. M., meets on the First and Third Tuesdays in every month, at 7 o'clock P. M., in the Masonic Hall, Ironton.

STAR OF THE WEST LODGE, No. 133, A. F. & A. M., meets in Masonic Hall, Ironton, on the Saturday of or preceding the full moon in each month.

MOSAIC LODGE No. 351, A. F. & A. M., meets in the Masonic Hall, Cross Roads, on the Saturday of or preceding the full moon in each month.

IRONTON EXCELSIOR No. 29, I. O. O. F., meets in the Odd-Fellows' Hall, Ironton, on the First and Third Thursdays of every month.

IRON LODGE No. 107, I. O. O. F., meets every Monday evening, at its Hall, Ironton.

PRIDE LODGE No. 393, I. O. O. F., meets every Thursday evening, in Masonic Hall, Cross Roads.

IRONTON LODGE No. 6, I. O. O. F., meets every Friday evening, at its Hall, Ironton.

Churches.

MASS every Sunday at 8 o'clock A. M. in the Chapel of the Arcadia College. Evening instruction, followed by Benediction of the Blessed Sacrament, at 3 o'clock. At Pilot Knob Catholic Church Mass is celebrated every Sunday morning at 10 o'clock.

M. E. CHURCH, Cor. Reynolds and Mountain Streets, Ironton. M. BELL, Pastor. Residence: Ironton, Mo. Services, Second and Fourth Sundays in each month, Sabbath School every Sunday morning, at 9 o'clock. Prayer Meeting every Thursday evening, at 8 o'clock.

SERVICES at the Baptist Church in Ironton on the second Sabbath in each month, at 11 o'clock A. M. and 7:30 o'clock P. M. Prayer meeting every Tuesday evening. GEORGE BOUTSIER, Pastor.

EPISCOPAL SERVICES will be held regularly hereafter in St. Paul's Church, Ironton, on the fourth Sunday in each month, at 10:30 A. M., and evening.

Arcadia College AND ACADEMY OF THE URSULINE SISTERS.

The system of education pursued in this institution is designed to develop the moral, intellectual and physical powers of the pupils; to make them refined, accomplished and useful members of society. Pupils of all denominations are equally received—no interference with their convictions being carefully avoided.

TERMS For young lady boarders will be for the present, per session of five months, \$75.00—payable in advance.

Terms for instruction in music, foreign languages, drawing, painting and ornamental handwork can be had by applying as below.

Attached to the convent, and totally separated from the boarding school, is a SELECT DAY SCHOOL in which the usual branches of sound and practical education are carefully imparted.

A system of rewards and monthly examinations beget in the pupils a healthy emulation which stimulates study and produces surprising results.

Terms in the Day School will remain as formerly—One Dollar, Two Dollars, Four Dollars, or Five Dollars per month, according to the studies pursued.

In the Day School boys 14 years of age and under will be received.

Prospectuses, and other information, may be had by applying, in person or by letter, to MOTHER ROSE, Superioress of the Convent of the Ursuline Sisters, Arcadia Iron Co., Mo.

\$6 a week in your own town. Terms and \$5.00. Address H. HALLETT & Co., Portland, Maine.

MRS. M. C. GIDFON, HOMEOPATHIC PHYSICIAN.

(Graduate of Homeopathic College, St. Louis.)
H. GIDFON permanently located in Ironton, Mo. offers her services to her old patrons and friends. Treats all classes of diseases, especially chronic cases. Gives Vapor Baths at her residence, equal in effect to the Hot Springs baths. Also, Electrical and Medicated Baths. In Rheumatism and Neuralgia his treatment is peculiarly successful.

ATTENDS TO CALLS AT ALL HOURS.

\$7 a WEEK. \$12 a day at home easily made. Specially Outfit free. Address, TRUE & Co., Augusta, Maine.

W. R. EDGAR, Attorney at Law.

Prosecuting Attorney for Iron Co., IRONTON, MO.

WILL PAY PROMPT ATTENTION to Collections, and all Business in the State Courts. Office, south of courthouse square.

BERNARD ZWART, Attorney at Law.

Ironton, Missouri.

PAYS PROMPT ATTENTION to Collections, taking depositions Paying taxes in all counties in Southeast Missouri, to settlements of Estate and on Partnership accounts, Business at the land office, purchase and sale of Mineral lands, and all Law-Business entrusted to his care; Examination of land titles and conveying a specialty.

The President's Power of Removal.

BY THOMAS CALAHAN.

The writer has never been an office-seeker, and so has never had occasion to favor or oppose, to uphold or denounce any man or measure from the consideration of the promotion of his own individual schemes or interests, and from this course he seems unwilling to depart. It gives length, breadth and clearness to views, and firmness and steadiness to character. But at the same time he is satisfied that if any one supposes that the recent jog at Washington was a matter of personal spleen or strife between certain persons or officials, those so judging are mistaken.

The principle involved is one of importance to all parties, being a safeguard against centralization, which consists in gathering many classes of powers into the hands of one official, and not in the length of the term of that official.

The question is a radical one, that is to say, it underruns the very foundations of our Government, and is by that means a new one in the history of our jurisprudence.

A comparison of the prerogatives of the king of Great Britain and the powers exercised by the President of the United States, will set out the matter.

In regard to the king, Sir Wm. Blackstone says:

"In every monarchical government it is necessary to distinguish the prince from his subjects, not only by the outward pomp and decoration of majesty, but also by ascribing to him certain qualities as inherent in his royal character, distinct from, and superior to, those of any other individual in the nation. The philosophical mind considers the royal person merely as one man appointed by general consent to preside over many others. But the mass of mankind would become insolent and refractory, if they were taught to consider the prince as a man of no greater perfection than themselves. The law therefore ascribes to the king in his high political character certain attributes of a great and transcendent nature, by which the people are led to consider him in the light of a superior being, and pay him that awful respect which may enable him with greater ease to carry on the business of government. The first of these attributes is sovereignty. The king's person is sacred, and no power on earth can try him in a criminal way, much less condemn and punish him."

Bracton, another very eminent writer on regal jurisprudence, says:

"The king is the minister of God on earth. Every power is under him, and he is under no one but God. It is a maxim of law that the king can do no wrong. The law ascribes to the king absolute perfection. The king is not only incapable of doing wrong, but even of thinking wrong. He can never mean to do an improper act. In him is no folly or weakness."

Kings have always been willing to act on this idea. James I. of England says that "as it is atheism and blasphemy to dispute what the Deity may do, so it is presumption and sedition in a subject to dispute what the king may do in the height of his power."

But the people of the United States have adopted the philosophic view. They regard the officers of the Government only as servants or agents authorized to perform acts in certain ways, and by the use of designated means. The common people are taught to consider rulers as men of no greater perfection than themselves. There is nothing in law or fact that demands for them any awful respect. Presidents can do wrong; Governors can do wrong; magistrates can do wrong, and all of them are responsible to the people for their acts. We have impeached one President, and repealed a large number; and the people of the States repeal Governors every year.

The Constitution of the United States and the laws made in pursuance thereof, do not invest the President as the civil ruler of the nation, with even one jot or tittle of what the advocates of divine right call prerogative. Blackstone calls sovereignty, and King James "the height of his power."

The duties of the President are squarely laid down, and the mode of their performance pointed out.

The Constitution authorizes the President, by and with the consent of the Senate, to appoint certain classes of officers, but does not specify who shall have the power of removal. The failure to so specify must be regarded as an oversight on the part of the framers of the Constitution. It may never have occurred to them that any other than the appointing power could remove, or would attempt to remove, an officer. Or they may have regarded it as a legal sequitur, that as those officers were really a part of the Executive system, and as the President could not be removed except upon impeachment and conviction, so these officers so appointed could not be removed except

for good cause shown on fair legal investigation.

But whatever may have been the cause of the oversight, it exists in the Constitution, and its existence early attracted the attention of our ablest jurists. The necessity of guarding against abuses of power in this respect by the President, as the civil ruler of the nation, arose from the fact that the Constitution makes him also its military head.

All human history and experience show conclusively that a military chief cannot command an army and conduct war efficiently whilst he is the lieutenant of a debating society.

Military rule is the essence of despotism. The worst result, then, arising from the oversight of the Constitution to define the power of removal, consists in that it does not carefully bar the President in all cases from administering the civil affairs of the nation on military principles, and thereby confusing two indispensable but clearly distinct classes of powers.

This oversight first became a practical question in 1789. Congress passed a bill creating a Secretary of Foreign Affairs, known now as Secretary of State. The bill contained a clause investing the President with the power of removal. A motion was introduced to strike it out. After a long and keen debate, the House decided, by a vote of 34 to 20, not to strike out, thus affirming the power of the President to remove.

[1, Elliott's Debates, pp. 250 to 275.] In this debate it was expressly declared that the decision was intended to be permanent and act as an exposition of the Constitution. In favor of the power, prominently, were Messrs. Madison, Ames, Boudinot and Baldwin; against were Messrs. Sherman, Gerry, Smith, and Jackson, of Georgia.

But that question which Congress declared settled, Chief-Justice Story resurrected. [See 3 Story's Comm., pp. 395, 396.] expressing surprise that this power of removal should have remained so long unquestioned in the hands of the President, and grave doubts of its propriety.

E. D. Manfield, [see Political Manual, page 149.] regards Judge Story's doubts as absurd; but, like any other man that undertakes to run Judge Story into obscurity on jurisprudence, he seems to have taken a very large contract, for all his arguments in favor of the power go very directly to invest the President with that prerogative, sovereignty, and height of power which the whole scope and genius of our political institutions go to deprive him.

The question of the President's power of removal is not merely a question of speculative politics. It is the question of the President's right in any case whatever to administer the civil affairs of the country on military principles. The disposition to do so grew largely on the Executive during the late war.

Thus emancipation was not by civil statute, but by military decree as a war measure; and when Congress in 1863 framed a law reconstructing the Confederate States, President Lincoln put that law in his pocket and embodied all its provisions and more in a proclamation, and by so doing drew out a most emphatic protest from B. F. Wade, of Ohio, and Henry Winter Davis, of Maryland—both gigantic Stalwarts.

During Andrew Johnson's Administration, Congress, as the representative of the people, had to perform two tasks. It had to cover into the civil statute book of the nation the attainments secured by military decrees, and it had to bleed, purge and sweat the military tendencies of an ex-tailor, as the civil ruler of the nation. The struggle led very unnecessarily to an impeachment which failed.

During the progress of the conflict, in 1867 the Tenure-of-Office Bill was passed, which restricts the power of the President in regard to appointments and removals, except when a vacancy occurs during the recess of Congress. This repeals the law of 1789 and fixes the present status of the matter.

But the President's power of removal has been passed upon, at least constructively, by the Supreme Court of the United States long ago. The elder Adams appointed a man to an office. The commission was made out and deposited in the office of the Secretary of State. Before his accession to office, Mr. Jefferson arrested that commission in transitu, he being unwilling to appoint that party to an office. The case came before the Supreme Court on an application for a writ of mandamus. The Court decided that it had no power to issue a mandamus to compel the

delivery of a commission to an officer after it has been made out. The case went out of Court for want of original jurisdiction; but the Court expressed the opinion that the withholding of the commission was a violation of a legal right. The denial of the right of the President to withhold the commission was equal to a denial of his power of removal.

Whilst the recent jog at Washington was not a matter of mere personal spleen, it is very far from being a fair presentation of the question of the President's power of removal, which was really the original question at stake. Instead of contesting the right of the President to administer the civil affairs of the nation on military principles, his opponents raised the question whether the dispensation of the Federal patronage in a State should be in the hands of the President or in those of the Senators from that State. That is to say, the question raised is whether the disposition shall be in the hands of one man, or in those of a commission. So far as the real principle involved is concerned there is no difference. In thus ignoring the real question at issue, Mr. Conkling committed the worst blunder of his life. In this instance he sinned against what should have been to him light and knowledge.

Fifty years ago, when the anti-slavery people petitioned Congress to abolish slavery in the District of Columbia, a vigorous move was made in that body to have those petitions thrown out as incendiary documents. John Quincy Adams displayed real generalship. He came squarely and unanswerably to the front, not as the advocate of the abolition of slavery, but as the champion of the right of petition. The eventual abolition of slavery in the district was the drop in the bucket and the small dust of the balance among the points he gained.

Now if Mr. Conkling had attacked the right of the President to remove arbitrarily a regularly appointed and confirmed official, his base of supplies would have been in the whole scope and genius of our political institutions. The Tenure-of-Office Bill would have been for him an impregnable field-work; and standing as he would have done squarely on the Democratic ground of resistance to centralization, he could have secured their assistance; or if that was withheld, he could have captured and moved their artillery himself, and they could not have carried one gun off the field.

As it was the question of centralization was not referred to, at least not made prominent, the Democracy did not need to act, and wisely forbore to do so. Mr. Conkling retired to private life, and the President carried his point.

Mr. Conkling erred in that he did not set all his lights ahead so that all the shadows in the case—his own included—might fall behind him. There are five present truths of which he seems to be densely ignorant. One of these is that there is a revolution coming in the near future. Another truth is that revolutions never go backward, and that when a revolution is developed three courses are open to all concerned—they must study carefully the trend of the revolution, keep ahead of it, and let it follow and support them; for if it overtakes, it will overwhelm them, and if they resist it, they will be destroyed.

In casting the horoscope of the future, it is to be remembered that action and reaction are always equal and opposite. The last grand national rally took place on Republican ground, the War-Democracy coming over. When the next one comes the sun will touch the other tropic. The steady quiet patience of the Democracy, like the "Grand Hisslen" of the North, in the early days of the war will not be of any benefit to their opponents.

Colorado.

BOULDER, Colorado, July 24, 1881.

Ed. Register—

My last letter probably carried dust enough to you for the season. So a truce on that subject. I had forgotten about the new Prohibition Constitution of Kansas, and, being parched with thirst, stepped off the train at Topeka and recklessly inquired where I could get a glass of cool St. Louis lager beer. A lounge on the platform answered: "No beer in Kansas—poor bleeding Kansas. But come this way—you can get ice-cold tea." I followed to the other side of the depot, where a small boy had a peculiar shaped can. The lounge said to the boy: "Here is a tender-foot. He wants beer. I told him you could give him tea." "Where do you live," asked the boy. "In Mis-

souri. I'm a border-ruffian—don't you see?" With a wink and a knowing movement of the head, he said "You bet!" and proceeded with confidence to draw a mug of "tea." I thought, as I took it, there was a peculiar bode on it—and sure enough, I was drinking St. Louis lager beer! Out of another part of that same can, I saw that smart boy draw genuine cold tea for a man who said he was from Lawrence. Said the boy to me, as the other man stepped aside: "You bet I don't sell a Kansas man beer. They don't git this child." As we came on, I found the Kansas people on the train were all excited, and the new Constitutional prohibition was the universal theme of discussion. Several of those expressing themselves had favored its adoption, but now denounced it. They said a poor carpenter had been arrested the day before for buying a "spirit"-level, because the new Constitutional clause prohibited any one from buying, selling, or giving away alcohol or spirits without physician's prescription; and as his spirit-level contained alcohol, he had to go to jail. I was much interested at the discussion of the subject. Now that they have siddled the experiment upon the State, I hope it will be fairly tried; but shall not be surprised to see it speedily overturned.

I did not see the same marks of progress in Kansas as were visible a few years ago. I am glad to say that no Southeast Missourian can better his condition by coming to Kansas, or to any other point in the West. From personal observations I can say that I do not think there is any place on the continent where the poor man can so readily get a home, where so good a home can be had for so little money, where honest effort is better rewarded, than in Southeast Missouri. As good farms can be bought there for \$500 to \$1,000, as can be had here for \$3,000 to \$5,000. In fact, a poor man cannot buy land out here, fence it, dig ditches over it, buy his water right, and get started. Every chip that boils his tea-kettle has to be bought. Every stake and every rail that encloses even his chicken-yard, has to be bought, and hauled great distances. Every tree or shrub to make a shade for his babies to play under, or relieve the eye from the glare of the fierce and blazing sun, has to be planted and tenderly watched for years to secure success. In the mountains, of course, this is not so. But there, small bits of land only can be found fit to cultivate, and on it only a few things can be grown, owing to the great altitude.

One has only to look through these mountains and see the vast sums of money and untold labor spent in search for gold and silver, and the countless failures, to judge of the disappointed hope's worn-out lives, and weary, suffering and sickening disappointments which these mountains have witnessed. The ruins left by the disappointed weary army of miners and prospectors mark every hill and valley, every mountain top and glen, as plainly as the devastations of a great battle-field. And well may this be said,—for there never was a braver army marching to battle, in all the grand pomp and circumstances of war, than invaded these mountains, and have thrown up ramparts and battlements as imperishable as those of the ancient mound-builders who have vanished forever. Nine hundred and ninety-nine fail utterly in the mines. One in a thousand succeeds as well, perhaps, as he would or could by earnest effort in Missouri. One in ten thousand makes a moderate fortune. One in fifty thousand becomes a millionaire. Tens of thousands of men who had a fair competence, lost it all in honest effort to find a rich mine. Governor Tabor, who five years ago was a poor miner, is now worth five or six millions. A friend of mine who failed a few years ago, and left me a few thousand dollars poorer, is now worth a million by a lucky investment of a few dollars by his wife in Leadville. Miners sell one day at five hundred dollars, and next week are worth many hundred thousand. They sell at a million, and in six months are worth practically nothing! A mine which cost three or four less than \$3,000 a year ago, the party in charge of it assures me will be sold before Christmas for \$50,000. A few years ago three of us invested \$2,500 each in some coal prospects. It was sold afterwards for \$60,000. The purchasers spent some \$25,000 in developing it, got out \$10,000 or \$15,000 worth of coal, and found it was exhausted, and so utterly worthless. Such are the ups and downs of mining life out here in the mountains.

No man should invest more in a mining enterprise than he can thoroughly well afford to lose, and he ought to invest it with that he will lose it, for it is perfectly certain that he will. But if he is one of the few lucky ones, he will make a fortune, and not until then can he afford to have any expectations. So far I have been looking after business. Soon as that is off my hands, I shall spend a few days climbing the mountains, and will say something cooler then, and turn my face toward the sweet shades of "Sylvan Lake" and "the girl I left behind me."

Non Compos.

Various Matters.

Reformers in Vermont are advocating the formation of anti-tobacco societies.

The London Cuckoo says: "America has very nearly taken our measure."

Six lines of railroad now enter Denver, and three more are soon to be added.

Some Japanese have started a factory at Newton, Conn., to make Japanese articles.

Bedford, Indiana, furnishes the stone for the new Cotton Exchange at New Orleans.

A silk mill, to employ 1,000 hands, is building at Hawley, Pa. Fine water power there.

The Rev. Robert Collyer hunted up his old anvil in Yorkshire, and has it in his study.

Mr. S. J. Tilden is enlarging and altering his house at Gramercy Park at a cost of \$50,000.

The London Tablet says that the income of Iroquois's owner is estimated at \$5,000 a day!

Forty thousand dollars have been subscribed toward Richmond's Lee Monument fund.

Seth Green is placing 1,000,000 California trout in the small streams and ponds of New York.

Florida figures her melon crop at 8,000,000, not counting any melons smaller than a water-pail.

Twelve scientific farmers graduated from the Iowa Agricultural College this year—six of each sex.

The fourth annual meeting of the American Bar Association will be held at Saratoga, August 17, 18 and 19.

The widow of the novelist G. P. R. James is living at Green Bay, Wis. The daughter has been visiting Oregon.

In thirty-one years Gen. Sherman has been but once late for dinner. His wife is the authority for this statement.

Robert Tirroll, of Cambridge, Mass., a colored student of Harvard College, is head waiter at an Eastern summer hotel.

Dry goods clerks in New York paraded the streets the other week with such mottoes as "Slavish hours must be abolished."

The New York, Lackawanna and Western railroad will build a \$50,000 bridge at Sparta, N. Y., four hundred feet long.

Fashionable mountain and seaside dresses are now made of awning stripes. They harmonize with the shade of the front stoop.

Mrs. Langtry will visit New York in October next, and it is said, apartments have been secured already for her at the Westminster.

In two hours a railroad committee at Fort Worth, Texas, collected \$250,000 subscriptions, for a new railroad, from twenty-five citizens.

Iowa crop: 90,000 bushels corn less than last year; half crop wheat; two-thirds crop hay; three times the area of flax over last year.

The average English and American brain is said to weigh 45.7 ounces, against French, 44.6; German, 44.1; Italian, 44; negro, 40.5.

Thirty-five Vassar girls graduated as "Bachelors of Arts," and the New York Star suggests that the title be changed to "Old Maids of Arts."

Peter Cooper has decided to open schools of instruction in type-writing and photography in Cooper Institute, New York, at a cost of \$25,000.

One of Florida's recent immigrants is Maj. H. B. Church, of the English army. His regiment during the Zulu war lost 30 officers and nearly 1,000 men.

The Boston Globe conceived a new motto for the Fourth of July—"Melons and colic, one and inseparable, now and forever. E pluribus cucumbers."

By actual count the extent of new operations in the Allegheny oil field has reached an aggregate of eighty rigs-up and buildings and wells drilled.